

## REMARKS

The last Office Action of June 8, 2007 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-19 are pending in the application. Claims 1, 3-8, 12, 16, have been amended. Claims 15, 18 have been canceled. Claim 20 has been added. A total of 18 claims are now on file. No amendment to the specification has been made. No fee is due.

Claims 1-6, 10-11, 18 stand rejected under 35 U.S.C. §102(b) as being anticipated by either one of U.S. Pat. Nos. 4,286,640 to Knox et al., 4,826,215 to Sullivan, 5,531,695 to Swisher, 6,227,251 to Ahn et al., 6,311,734 to Petrovic, 6,916,051 to Fisher, or 7,100,641 to Tyrer et al.

Claims 1-6, 9-11, 18 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 4,340,052 to Dennehey et al.

Claims 1, 12-14 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 4,647,256 to Hahn et al.

Claim 15 stands rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 4,796,669 to St. Onge.

Claims 7-11, 16, 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hahn et al. in view of St. Onge.

Claim 17 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hahn et al. in view of St. Onge, and further in view of either one of Knox et al., Sullivan, Swisher, Ahn et al., Petrovic, Fisher, Tyrer et al., or Dennehey et al.

In order to clearly distinguish the present invention, independent claims 1, 12, 16 have been amended to set forth the presence of **force transmitting means** by which tensile forces can be transmitted, when the sewer pipe is connected to another element, such as a further sewer pipe or boring device and when the sewer pipe is drawn **horizontally** into the ground. Support for the added claim limitations can be found in paragraph [0001], referring to the "horizontal boring

method”, and paragraph **[0020]**, referring to the presence of “second connecting means for transmitting tensile forces” (see also paragraphs **[0023]** and **[0041]**). Fig. 1 shows in more detail the second connecting means, comprised of complementing recess and elevation configurations, as also set forth in claims 7, 8. The provision of separate second connecting means is able to transmit tensile forces sufficient to allow the sewer pipe to be drawn into the ground, when the boring device pulls the sewer pipe, applying pulling forces that can reach well over 100 kN. Depending on the boring length and the surrounding material, the pulling forces may reach up to 100 to 2000 kN.

Thus, the sewer pipe according to the present invention has, in fact, two separate connecting means, namely a first connecting means to firmly secure two partial pipe shells to one another to establish the tubular configuration, and a second connecting means to attach partial pipe shells longitudinally to one another as well as to connect a partial pipe shell to a boring device (cf. paragraph **0041**).

Independent claim 20 has now been newly submitted to relate to a sewer pipe string comprised of at least two sewer pipes, which are each constructed as set forth in claim 1. Support therefore can be found in original claim 16.

The reference to Knox et al. is directed to a port cover having hemicylindrical body members which are connected via latching mechanism. Dennehey et al. relate to a connection site protector which is also constructed with hemicylindrical body members connected via latching mechanism. Sullivan describes a clamp comprised of two shells which are clamped together by a collar having a slot that is engaged by an ear for acceptance of a lock. Swisher describes a sleeve of shells connectable by a latching mechanism. Ahn et al. relate to a wire protecting structure having a slotted tube and a cover which is closely attached to the tube via protrusions. Petrovic is directed to a security cover having two shells which are connected via latching mechanism. Fisher discloses a coupler for a flexible tube, with the cover having two shells which are connected via latching mechanism. Tyrer et al. disclose a protective ducting having hemicylindrical ducting components, which, when assembled, define a channel for

receiving a pipe. St. Onge discloses a method to reline a single-piece pipeline. The Hahn et al. reference is concerned with ramming a pipe into the ground. As shown in particular in Fig. 9, the sewer pipes abut each other in order to transmit the ramming force.

None of the U.S. Patents to Knox, Dennehey, Sullivan, Swisher, Ahn, Petrovic, Fisher, Tyrer et al., or St. Onge discloses a sewer pipe constructed for being drawn in a horizontal boring method, as set forth in independent claims 1, 12, 16, 20. In addition, none of the prior art discloses the presence of two separate connecting means, with one of the connecting means realizing a transmission of tensile forces.

For the reasons set forth above, it is applicant's contention that none of the applied prior art, taken alone or in any combination teaches or suggests the features of the present invention, as recited in independent claims 1, 12, 16, 20.

As for the rejection of the retained dependent claims, these claims depend on claims 1, 12, 16, share their presumably allowable features, and therefore it is respectfully submitted that these claims should also be allowed.

Applicant has also carefully scrutinized the further cited prior art and finds it without any relevance to the claims on file. It is thus felt that no specific discussion thereof is necessary.

In view of the above presented remarks and amendments, it is respectfully submitted that all claims on file should be considered patentably differentiated over the art and should be allowed.

Reconsideration and allowance of the present application are respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant

would greatly appreciate such a telephone interview.

Respectfully submitted,

By: 

Henry M. Feiereisen  
Agent For Applicant  
Reg. No: 31,084

Date: October 4, 2007  
350 Fifth Avenue  
Suite 4714  
New York, N.Y. 10118  
(212)244-5500  
HMF:af